

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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Sterling D. Brown,  
Plaintiff,  
v.

Civil Action No. 2:18-cv-922

City of Milwaukee, et al.  
Defendants.

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PLAINTIFF STERLING BROWN'S STATUS UPDATE

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NOW COMES THE PLAINTIFF, Sterling D. Brown, through undersigned counsel, and submits this status update pursuant to this Court's Order, dated December 23, 2020. (Dkt. # 79).

On July, 21 2020, the Parties jointly moved this Court for a formal stay of proceedings "following an informal stay under the supervision of [the mediator] Hon. Magistrate Judge David Jones (Ret.)". (Dkt. # 68). Shortly thereafter, this Court granted the stay. (Dkt. #69). Throughout the summer, the parties continued to engage in good faith settlement discussions. (Dkt. # 70). In September, "the parties report[ed] that settlement discussions continue[d] with new exchanges of proposals and with the help of retired Magistrate Judge David Jones." (Dkt. # 73). This process continued in October. (Dkt. #74). That month, "the parties met and continued good faith efforts to resolve this matter." (Dkt. #75).

On November 6, 2020 the parties reported that "[w]ith the assistance and advice of mediator retired Magistrate Judge David E. Jones... settlement discussions have been

fruitful [and] Mr. Brown authorized settlement and his attorney, Mark L. Thomsen, has signed the settlement agreement." (Dkt. #76). On December 18, 2020, the parties agreed to toll the statute of limitations, and requested the Court provide "an additional sixty (60) days to conclude this matter." (Dkt. # 78).

Since that time, the Defendants have not completed the ministerial task of signing the settlement agreement. Counsel heard from Magistrate Judge Jones on Tuesday, February 16<sup>th</sup> that he has made good progress and plans on meeting with City representatives next Tuesday, February 23<sup>rd</sup> and would provide counsel with an update after the meeting.

Over the last quarter century plus, I (Mark L. Thomsen) have litigated several *Monell* liability cases with the City of Milwaukee, including *Estate of Fields v. Nawotka*, No. 03-CV-1450, 2008 U.S. Dist. LEXIS 27291 (E.D. Wis. Mar. 18, 2008). Throughout all of these years in negotiating with the City, whenever an offer for settlement has been made, including through a mediator (here, retired Magistrate Judge Jones), and accepted by my client(s), the City has always fulfilled its promise and completed any ministerial obligations to finalize the settlement.

Mr. Brown continues to wait patiently and can only assume that internal City matters created the holdup. Accordingly, Mr. Brown respectfully requests another thirty (30) days to conclude this matter. Mr. Brown will keep the Court updated and will request a status conference if needed.

Respectfully submitted, February 19, 2021.

GINGRAS, THOMSEN & WACHS, LLP

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